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TRUE COPY

OF THE

*LAST WILL*

AND

TESTAMENT

OF HER GRACE

*SARAH*, late DUCHESS DOWAGER  
of MARLBOROUGH:

WITH THE

C O D I C I L

Thereto Annexed.

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L O N D O N:

Printed for M. COOPER, at the *Globe* in  
*Pater-noster-Row*. 1744.

(Price 1 s. 6 d.)



A  
TRUE COPY

OF THE

Last Will and Testament

OF HER GRACE

SARAH, late DUCHESS DOWAGER  
of MARLBOROUGH.

**T**HIS is the last Will and Testament of me, *Sarah* Duchess Dowager of *Marlborough*, made this 11th Day of *August*, in the Year of our LORD 1744. *First*, My Will and Desire is, that I may be buried at *Blenheim*, near the Body of my Dear Husband *John*, late Duke of *Marlborough*; and if I die before his Body is removed thither, I desire *Francis*, Earl *Godolphin*, to direct the same to be removed to *Blenheim* aforesaid, as was always intended.

And I direct, that my Funeral may be private, and with no more Expence than Decency requires. And I direct, that no Mourning be given to any other Persons, except to

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such



such of my Servants who shall attend at my Funeral.

- As concerning my Estate, I give the same in Manner and Form following; that is to say, I do hereby give, devise, and bequeath unto the Right Honourable *Hugh* Earl of *Marchmont*, and *Beversham Filmer* of *Lincoln's Inn* in the County of *Middlesex* Esq; their Heirs and Assigns, for ever, *All* and every my Manors, Parsonage, Rectory, Advowsons, Messuages, Lands, Tenements, Tythes, and Hereditaments in the several Counties of *Surry*, *Oxford*, *Buckingham*, and *Huntingdon*, every or any of them which were late the several Estates of *Richard Holditch*, *Francis Hawes*, *William Aspell*, and *Robert Knight* Esqrs; or some of them, and which I lately purchased to me and my Heirs, of and from the Trustees for the Sale of the Estates of the late Directors of the *South Sea Company*, under the Act of Parliament in that Behalf made and passed in the 7th Year of the Reign of his late Majesty King *George* the First.

And also all and every my Manors, Advowson, Messuages, Lands, Tenements, Tythes, and Hereditaments in the said County of *Buckingham*, which were late the Estate of *Richard Hampden* Esq; deceased.

And also my Manor, Rectory, Advowson, Messuages, Lands, Tythes, and Hereditaments in the said County of *Buckingham*,  
which

which were late, or some time the Estate of Sir *John Wittewronge* Bart. deceased; and my Manor, or reputed Manor, Capital Messuage, and Freehold Messuages, Lands; and Hereditaments in the same County, which were late, or some time the Estate of Sir *Thomas Tyrrel* Bart. deceased.

And also my Manor, Capital Messuage, and Freehold and Copyhold Messuages, Lands, Tenements, and Hereditaments in the County of *Bedford*, which were late the Estate of Sir *John Meres* Knight, (and which Copyhold Premises I have surrendered to the Use of my Will.)

And also my Freehold and Copyhold Messuages, Lands, Tenements, and Hereditaments in the said County of *Bedford*, which were late the Estate of *Bromsall Throckmorton* Esq; (and which Copyhold Premises I have surrendered to the Use of my Will.)

And also my Manors, Capital Messuages, and other Messuages, Lands, Tenements, and Hereditaments in Possession, and in Reversion, in the said County of *Bedford*, which were late the Estate of *Edward Snagg* Esq;

And also my Rectory and Tythes of *Steventon* in the said County of *Bedford*, which were late the Estate of *Peter Floyer* Esq;

And also my Lands and Hereditaments in the said County of *Bedford*, which were late

the Estate of *John Culliford*, and *Mary* his Wife, or one of them.

And also my Manor, Messuages, Farms, Lands, and Hereditaments in the County of *Berks*, which were late the Estate of *Richard Jones* Esq; and *William Jones* his Son, or one of them

And also my Manor, Capital Messuage, and other Messuages, Advowson, Farms, Lands, Tenements, and Hereditaments in the said County of *Berks*, which were late the Estate of *Robert Packer* Esq;

And also my Messuage, Lands, and Hereditaments in the said County of *Berks*, which were late the Estate of *Thomas Bedford* Clerk, and *Temperance Bedford* his Mother, or one of them.

And also my Manor, Messuage, Farm, Lands, and Hereditaments in the said County of *Oxford*, which were late the Estate of *Sir Cecil Bishop* Bart.

And also my Manors, or reputed Manors, Capital Messuages, Rectory, Advowsons, Messuages, Lands, Tenements, Tythes, and Hereditaments in the County of *Northampton*, which were late the Estate of *Mrs. Elizabeth Wiseman*, (except such Part of one of the said Estates as I have sold to *Humphry Bradford* Clerk.)

And also all my Manor, or reputed Manor, Capital Messuage, Advowson, Park, Lands, Tenements, and Hereditaments in the said County

County of *Northampton*; which were late the Estate of Sir *William Norwich* Bart.

And also my Manor, Capital Messuage, Advowsons, Park, Lands, Tenements, and Hereditaments in the said County of *Northampton*, which were sometime the Estate of *Nathaniel* Lord *Crew*, Lord Bishop of *Durham*, deceased.

And also all that my Estate late or some time of Mr. *Robotham*, in or near St. *Albans* in the County of *Hertford*, (except such Part thereof as by Indenture, bearing Date on or about the second Day of *June* 1736, I have among other Things bargain'd and sold unto *Daniel* Earl of *Winchelsea* and *Nottingham*, Sir *Thomas Reeve* Knt. since deceased, *Walter Plummer* of *Cavendish Square* in the County of *Middlesex*, Esq; and *James Stephens* of the City of *Westminster*, (Doctor in Physick.)

And also my Manors, Capital Messuage, and other Messuages, Advowsons, Lands, Tenements, Tythes, and Hereditaments, Frechold and Copyhold, in the County of *Stafford*, which were late the Estate of *Thomas* Lord Viscount *Fauconberg*, (and which Copyhold Premisses I have surrender'd to the Use of my Will.)

And also my Manor, Right of Patronage, Capital Messuage, and other Messuages, Lands, Tenements, and Hereditaments, Freehold and Copyhold, in the County of *Norfolk*,

*folk*, which were late the Estate of *Gabriel Armiger* Esq; and which Copyhold Premises I have surrendered to the Use of my Will.

And also my Manor, or reputed Manor, Rectory, Tythes, Messuages, Farms, Lands, Tenements and Hereditaments in the County of *Leicester*, and the said County of *Northampton*, which were late the Estate of *Sir Thomas Cave* Bart. and Dame *Elizabeth* his Wife, or one of them: (But the said Manors, Messuages, Lands and Hereditaments in the Counties of *Bedford* and *Huntingdon*, which were late the Estates of *Sir John Meres* Knt. and *William Astell* Esq; are to be subject nevertheless, and charged as the same are made subject, and charged by Indenture of Settlement, dated the 13th Day of *February*, in the Year of our Lord 1733. made previous, and in order to the Marriage of my Grandson *John Spencer* Esq; with *Georgina Carolina*, his now Wife, Daughter of *John* Lord *Carteret*) And all other my Manors, and Freehold and Copyhold Messuages, Lands, Tenements and Hereditaments whatsoever, in the said several Counties of *Surry*, *Oxford*, *Huntingdon*, *Buckingham*, *Bedford*, *Berks*, *Northampton*, *Hertford*, *Stafford*, *Norfolk*, and *Leicester*, every, or any of them, or elsewhere, with their Appurtenances, not by me otherwise disposed of, *To have and to hold* the said Manors, Rectories,

Rectories, Advowsons, Messuages, Farms, Lands, Tenements, Tythes, Hereditaments and Premisses herein before devised or mentioned so to be, with their Appurtenances, (except before excepted) unto the said *Hugh* Earl of *Marchmont*, *Beversham Filmer*, and their Heirs for ever; To the Use of them and their Heirs, upon the Trusts, and under and subject to the Powers, Provisoos, and Limitations herein after expressed and declared of and concerning the same; that is to say, *In the first place*, to the Intent and Purpose that *John Spencer*, the Son of my said Grandson *John Spencer*, may have, receive, and take annually, from the Time that he shall have attained the Age of 20 Years, (if his Father shall be then living) for and during the joint natural Lives of himself, and his said Father, one Annuity, or yearly Rent-  
Charge of 2000 *l.* of lawful Money of *Great-Britain*, to be issuing and going out of and charged upon the same Premisses, and every Part thereof; the same to be paid by equal quarterly Payments at the four most usual Feasts, or Days of Payment in every Year; that is to say, the Feasts of the Annunciation of the blessed Virgin *Mary*, of the Nativity of *St. John* the Baptist, of *St. Michael* the Archangel, and of the Birth of our Lord *Christ*, without any Deduction or Abatement thereout, for or by reason of any Taxes, Charges, or Impositions imposed, or to be imposed,  
by

By Authority of Parliament, or otherwise howsoever: And if the same, or any Part thereof, shall be behind and unpaid by the Space of Twenty Days next after any of the said Feasts or Days of Payment in the Year, on which the same ought to be paid as aforesaid, (being lawfully demanded) That then and so often it shall and may be lawful to and for the said *John Spencer* the Son, during the joint Natural Lives of himself and his said Father, into and upon the same Manors, Messuages, Lands, Tenements, and Hereditaments chargeable therewith, or any of them, or any Part thereof, to enter and distrain for the same; and the Distress and Distresses then and there found, to detain and keep until he shall be fully paid and satisfied all such Arrearages, with Costs and Charges, in and about the making and keeping thereof. And in Case the said Annuity, or Yearly Rent-Charge of 2000 *l.* or any Part thereof, shall be behind and unpaid for the Space of 40 Days next over or after any of the said Days of Payment, whereon the same ought to be paid as aforesaid; That then and so often it shall and may be lawful to and for the said *John Spencer* the Son, during the joint Natural Lives of himself and his said Father, into all and singular the said Manors, Messuages, Lands, Tenements, and Hereditaments charged therewith as aforesaid, or any Part thereof,

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to enter; and the Rents, Issues and Profits thereof, to receive and take, until he therewith and thereby, or by the Person or Persons who shall be then entitled to the immediate Possession of the said Manors, Messuages, Lands, Tenements, and Hereditaments, be paid and satisfied the same and every Part thereof; and all the Arrears thereof incurred before, and that shall incur during such Time as he shall receive the Rents, Issues, and Profits thereof, or be intitled to receive the same, by Virtue of such Entry to be made as aforesaid, together with his Costs, Damages, and Expences laid out and sustained, by reason of the Non-payment thereof, or any Part thereof.

*And whereas* the late Duke of *Marlborough* hath by his Will impowered and directed his Trustees in the said Will named, and Survivors and Survivor of them, and the Heirs and Assigns of such Survivor, on the Birth of each, and every Son then after to be born of *Charles Spencer*, (now *Charles Duke of Marborough*) and of others in the the said Will named, by Deeds attested by two or more credible Witnesses, to revoke and make void the respective Uses limited to such respective Sons in Tail Male, and in lieu thereof to limit the Premises in the said Will mentioned (except



as therein is excepted,) to the Use of such Sons for their Lives, without Impeachment of Waste, with immediate Remainders to the respective Sons of such Sons severally and respectively in Tail Male, according to the Seniority of such Sons.

And the Court of Chancery having been applyed to for Directions in this Matter, but not having as yet given any : And I being minded to preserve, as far as in me lieth, the Remainders in the said Duke of *Marlborough's* Will limited, from being defeated or barred, do therefore to that Intent and Purpose direct, that the said *Hugh* Earl of *Marchmont* and *Beversham Filmer*, and the Survivor of them, and the Heirs of such Survivor, do, and shall out of the Rents, Issues and Profits of the Premisses so limited to them as aforesaid, raise and pay the clear yearly Sum of three thousand Pounds over and above all Deductions for or by reason of any Taxes, Charges, or Impositions imposed, or to be imposed by Authority of Parliament, or otherwise howsoever, by four equal Quarterly Payments at the aforesaid Feasts, to and for the Use of such of the Sons or Grandsons of the said *Charles* Duke of *Marlborough* born, or to be born, as shall successively for the time being be next and immediately intituled as Tenant in Tail in Remainder,

mainder, after the Death of the said *Charles*, Duke of *Marlborough*, to the Estate of *John* late Duke of *Marlborough*, by Virtue of his Will, which said Annuity, or yearly Sum shall commence; and be paid to such Son or Grandson for the time being, from and after his Attaining the Age of twenty Years, during the joint Lives of the said *Charles* Duke of *Marlborough*, and such Son or Grandson for the time being.

*Provided* nevertheless, that if any such Son or Grandson intitled to such Annuity, or yearly Payment as aforesaid, shall, during the Life of the said *Charles* Duke of *Marlborough*, do, or suffer, or covenant, or agree to do, or suffer any Act, whereby, all or any of the Estates, Remainders, Limitations, or Uses in the said late Duke of *Marlborough*'s Will declared, or expressed, may be defeated, or barred; then, and in such Case, the Annuity, or yearly Sum of three thousand Pounds hereby limited, shall from thenceforth for ever cease, and be void, not only in respect to the Son or Grandson of the said *Charles* Duke of *Marlborough*, doing, or suffering such Act as aforesaid, but in respect to every other Son and Grandson of the said *Charles* Duke of *Marlborough*.

*Provided* also; and it is my Will, That if any Son of the said *Charles* Duke of *Marl-*

*borough* shall become intituled to the said Annuity in Possession, by Virtue of this my Will, and shall in the Life-time of the said *Charles Duke of Marlborough* marry, and attain his Age of twenty one Years, and shall not have done, or suffered, or agree to do or suffer any Act whereby the said Annuity hereby to him limited, is by this my Will to cease, or be void ; then and in such Case, it shall, and may be lawful to and for such Son in the Life-time of the said *Charles Duke of Marlborough*, by any Deed duly executed, and attested by three or more credible Witnesses, with the Consent of the said *Hugh Earl of Marchmont* and *Beversham Filmer*, or the Survivor of them, or his Heirs, signified by their, or his sealing, and executing of such Deed, to limit, or appoint to be paid out of my said Estates charged with the said Annuity, or Payment of three thousand Pounds yearly, any Annuity or yearly Payment, not exceeding fifteen hundred Pounds *per Ann.* clear of all Taxes and Charges, to be paid by such quarterly Payments as aforesaid, to any Woman with whom he shall intermarry, *to hold* the said Annuity from and after her Husband's Death, during her Life.

*Provided* always, That if such Son of the said *Charles Duke of Marlborough*, who shall make such Appointment, shall afterwards  
happen

happen to survive the said *Charles Duke of Marlborough, then*, and in such Case the said Appointment of such Annuity for such Woman shall be void, and the same Annuity shall not take place.

*Provided* also, and it is my Will, That my said Estates shall never be chargeable with the Payment of more than one such Annuity, as a Provision for any such Woman, at one and the same time.

*And* as to all my said Manors, Lands, Tenements, Hereditaments, and Premises herein before devised to my said Trustees *Hugh Earl of Marchmont and Beversham Filmer*, subject to the said Annuities, Powers, and Provisions herein before mentioned; *I will*, direct and devise the same to be in Trust for my said Grandson *John Spencer*, and his Assigns, for, and during the Term of his Natural Life, without Impachment of Waste, and from and after the Determination of that Estate, to the Use of the said *Hugh Earl of Marchmont and Beversham Filmer*, and their Heirs, during the Natural Life of the same *John Spencer*; in Trust to support and preserve the contingent Uses and Estates herein after limited, from being defeated or destroyed; and for that purpose to make Entries, or bring Actions, as the

the Case shall require: Yet nevertheless to permit and suffer the same *John Spencer* and his Assigns, during his Life, to receive and take the Rents and Profits thereof, and of every Part thereof, to and for his and their own Use and Benefit; and from and after his Decease, *in Trust* for the said *John Spencer*, the Son of my said Grandson *John Spencer*, and his Assigns, for and during the Term of his natural Life, without Impeachment of Waste.

And from and after the Determination of that Estate, *to the Use* of the said *Hugh Earl of Marchmont*, and *Beversham Filmer*, and their Heirs, during the natural Life of the said *John Spencer* the Son, *in Trust* to support and preserve the contingent Uses and Estates, herein after limited, from being defeated or destroyed; and for that Purpose to make Entries, or bring Actions, as the Case shall require: Yet nevertheless to permit and suffer the said *John Spencer* the Son, and his Assigns, during his Life, to receive and take the Rents and Profits thereof, and of every Part, to and for his and their own Use and Benefit.

And from and after his Decease, *in Trust* for the first, second, third, fourth, fifth, and all and every other the Son and Sons of the  
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the Body of the said *John Spencer* the Son, lawfully to be begotten, severally, successively, and in Remainder, one after another, as they and every of them shall be in Seniority of Age and Priority of Birth; and the several and respective Heirs Male of the Body and Bodies of all and every such Son and Sons lawfully issuing; the Elder of such Sons, and the Heirs Male of his Body, to be always preferr'd, and to take before the younger of such Son and Sons, and the Heirs Male of his and their Body and Bodies issuing.

And for Default of such Issue, *in Trust* for all and every other the Son and Sons of the Body of my said Grandson *John Spencer* lawfully begotten, or to be begotten, severally, successively, and in Remainder, one after another, as they and every of them shall be in Seniority of Age and Priority of Birth, and the several and respective Heirs Male of the Body and Bodies of all and every such Son and Sons lawfully issuing; the Elder of such Sons, and the Heirs Male of his Body, to be always preferr'd, and to take before the Younger of such Son and Sons, and the Heirs Male of his and their Body and Bodies issuing.

And for Default of such Issue, *in Trust* for all and every the Daughter and Daughters,  
of

of the Body of my said Grandson *John Spencer* lawfully begotten, or to be begotten, and all and every the Daughter and Daughters of the Body of the said *John Spencer* the Son lawfully to be begotten, to be equally divided between or among them, (if more than one) Share and Share alike, to take as Tenants in common, and not as joint Tenants, and the several and respective Heirs of the Bodies of all and every such Daughter and Daughters lawfully issuing.

And in case one or more of such Daughters shall happen to die without Issue of her or their Body or Bodies; *Then* as to the Share or Shares of her or them so dying without Issue, *in Trust* for the Survivors or Survivor, and others or other of them, to be equally divided between or among them, (if more than one) Share and Share alike, to take as Tenants in common, and not as joint Tenants, and the several and respective Heirs of the Bodies of such Survivors or Survivor, and others or other of them. And if all such Daughters but one shall happen to die without Issue of their Bodies, or if there shall be but one such Daughter, *in Trust* for such surviving or only Daughter, and the Heirs of her Body.

And

And for Default of such Issue, *then in Trust* for such Person and Persons, and for such Estate and Estates, Uses, Intents, and Purposes, as I shall by my Will, Codicil, or other Writing, by me to be signed in the Presence of three or more credible Witnesses, declare, direct, limit, or appoint.

And my Will is, That all my Household Goods and Furniture, which, at the Time of my Decease, shall be in the aforesaid Messuage in the County of *Oxford*, which I purchased of Sir *Cecil Bishop* Bart. shall be deemed as Heir-Looms, and for ever be enjoyed, as far as the Law will admit, by the Person and Persons who for the Time being shall be in Possession of or intitled to the Rents and Profits of the same Messuage by virtue of this my Will.

*And whereas* by Indenture bearing Date on or about the 25th Day of *November*, which was in the Year of our Lord 1729, the Dean and Chapter of the Cathedral and Metropolitcal Church of *Christ, Canterbury*, for the Considerations therein mentioned, did lease or grant unto me the Scite and Court-Lodge of the Manor of *Agney*, in the Parishes of *Old Romney* and *Midley* in *Romney-Marsh* in the County of *Kent*, and the several Houses, Barns, Build-  
 D ings,



ings, Lands, Tenements, and Hereditaments in the said Indenture of Lease particularly mentioned and described, All which were formerly the Leasehold Estate of my late Mother; *To hold* the same to me, my Heirs and Assigns, for and during the three Lives therein named, and the Life of the longest Liver of them, subject to the Rents and Covenants in the same Lease reserved and contained, and which on the Lessees Part are to be paid, done, and performed :

*Now* I do hereby give, devise, and bequeath the said Scite and Court-Lodge, Houses, Barns, Buildings, Lands, Tenements, Hereditaments and Premises, comprized in the said Lease ; and all my Renewable and other Estate, Term and Interest therein :

And also my Lands, Tythes, and Estate in the said County of *Buckingham*, which I hold by Lease for Years of the City of *Lincoln* :

And also all other my Leasehold Estates (except such of them as I shall otherwise dispose of by this my Will, or by any Codicil or Codicils to be by me made thereto) unto, and to the Use of the said *Hugh* Earl of *Marchmont*, and *Beversham Filmer*, their Heirs, Executors, Administrators,

strators, and Assigns respectively, during the Continuance of the same respective Leases; *In Trust* nevertheless for such Person and Persons, and for such Estates and Interests, and in such Proportions and Manner, and under and subject to such Powers, Restrictions, and Limitations as are herein before expressed, limited, and declared or directed, of and concerning the said herein before devised Freehold Manors, Lands, and Hereditaments, as near thereto as may be, and the Nature of the said several and respective Leasehold Estates will admit of: *To the End* that the same Leasehold Estates and Premises may be held and enjoyed, and go along with the said Freehold Estates and Premises, so long as may be, and the Laws of *England* will permit.

And my Will is, and I do hereby desire and direct, That the respective Leases which I now have, or may have at the Time of my Decease, of and in the said Leasehold Premises respectively, shall and may from Time to Time, when and so often as Occasion shall require (and that the same can be done on reasonable and equitable Terms) be renewed and filled up, by and out of the Rents and Profits of the same Premises, or some part thereof, in the Names or Name of my said Trustees, *Hugh Earl*

of *Marchmont*, and *Beversham Filmer*, of the Survivor of them, or his legal Representative. And that all new and other Leases, at any Time or Times hereafter to be had or obtained of the same Premises respectively, shall at all times then during the Continuance thereof, respectively remain, continue, and be upon the like Trusts, and under and subject to the like Powers, Restrictions, and Limitations, as are herein before expressed, and directed, or referred unto, and concerning the said several Leases now in being, of and in the same Premises respectively, or as near thereto as may be, and the Law of *England* will permit.

*Item*, I do hereby give, devise, and bequeath unto the said *Hugh Earl of Marchmont* and *Beversham Filmer*, their Heirs and Assigns, *All* that my Manor of *Wimbledon*, with the Appurtenances thereof, in the said County of *Surry*, and the Capital Messuage or Mansion-House lately built at *Wimbledon* in the same County. And all my Freehold Messuages, Farms, Lands, Hereditaments and Estate, in or near *Wimbledon* aforesaid, which were late the Estate of Sir *Theodore Fanssen* Bart. (and which I purchased to me and my Heirs of the Trustees for the Sale of the Estates of the late Directors of the *South Sea Company*.)

And

And also all my Leasehold Rectory or Parsonage of *Wimbledon* aforesaid, with the Houses, Buildings, Tythes, Hereditaments, and Appurtenances thereunto belonging or appertaining, or therewith used, or enjoyed, or reputed as part thereof, (which said Rectory or Parsonage, and other the said last mentioned Premises are held of the Dean and Chapter of *Worcester* by Lease of three Lives, and were late also part of the Estate of the said Sir *Theodore Faussett*, and were purchased of the said Trustees for the Sale of the said late Directors Estates by *Henry Meriton*, of whom I lately purchased the same.)

And also all my renewable and other Estate and Interest therein, *To have and to hold* the said last mentioned Manor, Capital Messuage, Rectory or Parsonage; Messuages, Farms, Lands, Tenements, Tythes, Hereditaments, and Premises, with their Appurtenances unto, and to the Use and behoof of the said *Hugh* Earl of *Marchmont*, and *Beversham Filmer*, their Heirs and Assigns, during the Continuance of my several Estates and Interests in the same Premises respectively; *Upon the Trusts*, nevertheless, and to and for the Intents and Purposes, and under and subject to the Powers,

**ers, Restrictions, and Limitations** herein after mentioned and expressed, of and concerning the same Premisses respectively ; that is to say, *In Trust* for my said Grandson *John Spencer*, and his Assigns, for and during the Term of his Natural Life, without Impeachment of Waste, (except Waste in the said Capital Messuage, with the Buildings, Gardens, and Appurtenances thereunto belonging, and in the said last mentioned Leasehold Premisses.)

And from and after the Determination of that Estate, *To the Use* of the said *Hugh Earl of Marchmont*, and *Beversham Filmer*, and their Heirs, during the natural Life of the same *John Spencer* ; *In Trust*, to support and preserve the contingent Uses and Estates herein after limited from being defeated or destroyed.

And from and after his Decease, *In Trust* for the said *John Spencer* the Son, and his Assigns, for and during the Term of his natural Life, without Impeachment of Waste, (except as before is excepted.)

And from and after the Determination of that Estate, *To the Use* of the said *Hugh Earl of Marchmont*, and *Beversham Filmer*, and their Heirs, during the natural Life of  
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the said *John Spencer* the Son; *In Trust*, to support and preserve the contingent Uses and Estates herein after limited, from being defeated or destroyed.

And from and after his Decease, *In Trust* for the first, second, third, fourth, fifth, and all and every other the Son and Sons of the Body of him the said *John Spencer* the Son, lawfully to be begotten, severally, successively, and in Remainder, one after another, as they and every of them shall be in Seniority of Age; and priority of Birth; and the several and respective Heirs Male of the Body and Bodies of all and every such Son and Sons lawfully issuing; the elder of such Sons, and the Heirs Male of his Body, to be always preferred, and to take before the younger of such Son and Sons, and the Heirs Male of his and their Body and Bodies issuing.

And for Default of such Issue, *In Trust* for the second, third, fourth, fifth, and all and every other the Son and Sons of the Body of my said Grandson *John Spencer*, lawfully begotten, or to be begotten, severally, successively, and in Remainder, one after another, as they and every of them shall be in Seniority of Age, and Priority of Birth, and the several and respective Heirs Male of the Body and Bodies of all and every,

every such Son and Sons lawfully issuing; the elder of such Sons, and the Heirs Male of his Body, to be always preferred, and to take before the younger of such Son and Sons, and the Heirs Male of his and their Body and Bodies issuing.

And for Default of such Issue, *In Trust* for the first, second, third, fourth, fifth, and all and every other the Daughter and Daughters of the Body of my said Grandson *John Spencer*, lawfully begotten, or to be begotten, severally, successively, and in Remainder, one after another, as they and every of them shall be in Seniority of Age, and Priority of Birth, and the several and respective Heirs Male of the Body and Bodies of all and every such Daughter and Daughters lawfully issuing; the elder of such Daughters, and the Heirs Male of her Body, to be always preferred, and to take before the younger of such Daughter and Daughters, and the Heirs Male of her and their Body and Bodies issuing.

And for Default of such Issue, *In Trust* for the first, second, third, fourth, fifth, and all and every other the Daughter and Daughters of the Body of the said *John Spencer* the Son, lawfully to be begotten, severally, successively, and in Remainder one after another,

another, as they and every of them shall be in Seniority of Age, and Priority of Birth; and the several and respective Heirs Male of the Body and Bodies of all and every such Daughter and Daughters lawfully issuing; the elder of such Daughters, and the Heirs Male of her Body to be always preferred, and to take before the younger of such Daughter and Daughters, and the Heirs Male of her and their Body and Bodies issuing.

And for Default of such Issue, *In Trust* for the first, second, third, fourth, fifth, and all and every other the Son and Sons of the Body of the said *John Spencer* the Son, lawfully to be begotten, severally, successively, and in Remainder, one after another, as they and every of them shall be in Seniority of Age, and Priority of Birth, and the several and respective Heirs of the Body and Bodies of all and every such Son and Sons lawfully issuing; the elder of such Sons, and the Heirs of his Body, to be always preferred, and to take before the younger of such Son and Sons, and the Heirs of his and their Body and Bodies issuing.

And for Default of such Issue, *In Trust* for the second, third, fourth, fifth, and all  
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and every other the Son and Sons of the Body of my said Grandson *John Spencer* lawfully begotten, or to be begotten, severally, successively, and in Remainder, one after another, as they and every of them shall be in Seniority of Age and Priority of Birth, and the several and respective Heirs of the Body and Bodies of all and every such Son and Sons lawfully issuing; the elder of such Sons, and the Heirs of his Body to be always preferred, and to take before the younger of such Son and Sons, and the Heirs of his and their Body and Bodies issuing.

And for Default of such Issue, *In Trust* for the first, second, third, fourth, fifth, and all and every other the Daughter and Daughters of the Body of my said Grandson *John Spencer*, lawfully begotten, or to be begotten, severally, successively, and in Remainder, one after another, as they and every of them shall be in Seniority of Age, and Priority of Birth, and the several and respective Heirs of the Body or Bodies of all and every such Daughter and Daughters lawfully issuing; the elder of such Daughters,  
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and the Heirs of her Body, to be always preferred, and to take before the younger of such Daughter and Daughters, and the Heirs of her and their Body and Bodies issuing.

And for Default of such Issue, *in Trust* for the first, second, third, fourth, fifth, and all and every other the Daughter and Daughters of the Body of the said *John Spencer* the Son lawfully to be begotten, severally, successively, and in Remainder; one after another, as they and every of them shall be in Seniority of Age and Priority of Birth, and the several and respective Heirs of the Body and Bodies of all and every such Daughter and Daughters lawfully issuing, the Elder of such Daughters, and the Heirs of her and their Body and Bodies issuing.

And for Default of all such Issue, *in Trust* for such Person or Persons, and for such Estate and Estates, Uses, Intents, and Purposes as I shall by any Will, Codicil, or other Writing by me to be signed in the

Presence of three or more credible Witnesses, declare, direct, limit or appoint.

And my Will is, That all the Household Goods, Pictures and Furniture, that shall be in my said Capital Messuage, Buildings, and Gardens at *Wimbledon*, at the Time of my Decease, (except such of them as I shall otherwise dispose of by this my Will, or by any Codicil or Codicils to be by me made thereto) shall be deemed as Heir-Looms, and for ever be enjoy'd as far as the Law will admit, by the Person and Persons who for the Time being shall be in Possession of or intitled to the Rents and Profits of the same Capital Messuage and Premises, by virtue of this my Will.

And my Will is, and I do hereby order and direct, That so soon as conveniently may be after my Decease, my Executors herein after named do cause a perfect, true and exact Schedule or Inventory to be made and taken of all the said Household Goods, Pictures, and Furniture, which are to continue and remain and be used in the same Capital

Capital Messuage, Buildings, and Gardens,  
according to this my Will.

And that the said *John Spencer*, the Father, and *John Spencer* the Son, and all and every other Person and Persons respectively, who by virtue of this my Will are to have the Use of the said Goods, shall at or before the Time of taking Possession thereof, give a Receipt for the same under their respective Hands, at the Foot of the said Inventory.

And my Will is, and I do hereby further order and direct, That the Lease which I now have, or may have at the Time of my Decease, of and in the said Rectory or Parsonage, and last-mentioned Leasehold Premises shall and may from Time to Time, when, and so often as Occasion shall require, (and that the same can be done on reasonable and equitable Terms) be renewed and filled up, by and out of the Rents and Profits of the same Premises; or some Part thereof, in the Name or Names of

of my said Trustees, or of the Survivor of them, his Heirs or Assigns.

And that all new, or other Leases, at any time or times hereafter to be had or taken of the same Premises, shall at all times then after, during the Continuance thereof, respectively remain, continue, and be upon the like Trusts, as are by me herein before expressed, and declared, or directed of and concerning the now subsisting Lease of the same Premises, or as near thereto as may be, and the Laws of *England* will permit.

*Provided* always, and my Will is, That it shall, and may be lawful to, and for my said Grandson *John Spencer* and *John Spencer* his Son respectively, as and when they shall respectively come unto, and be in the actual Possession of my said herein before devised Estates and Premises, or any part thereof, or be actually intitled to the Rents and Profits thereof, or of any part thereof, by Indenture under their respective Hands and Seals, to demise or lease the same, or such part, or parts thereof, where-  
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of ~~they~~ shall respectively be in the actual Possession, or to the Rents and Profits whereof they shall be respectively intituled (except the said Capital Messuage, which I have lately built at *Wimbledon* aforesaid, and the Buildings, Gardens, and Appurtenances thereunto belonging, or to be therewith used and enjoyed) unto any Person, or Persons, for any Term or Number of Years not exceeding one and twenty Years in Possession, and not in Reversion, Remainder, or Expectancy ; so as upon every of such Leases there be reserved, and made payable during the Continuance thereof respectively, the best improved yearly Rent that can be reasonably had for the same, without taking any Sum, or Sums of Money, or other Thing by way of Fine, or Income, for or in respect of such Lease, or Leases ; and so as none of the said Leases be made dispunishable of Waste by any express Words therein to be contained. And that in every of such Leases there be contained a Clause of Re-entry for Non-payment of the Rent or Rents to be thereby respectively reserved ; and that such Lessee,  
and

and Lessees, to whom such Lease, or Leases shall be made, seal and deliver Counterparts of such Lease, and Leases.

*Provided* always, and my Will is, and I do hereby expressly declare, That in case my said Grandson *John Spencer* shall at any time after my Decease, on any account whatsoever, become bound as Surety with, or for any Person or Persons whatsoever, unto any Person or Persons, for any Sum, or Sums of Money, or for any Debt, or Debts whatsoever, of any Person or Persons whatsoever ; or if he, or any Person, or Persons in Trust for him, shall accept, or take from any King or Queen of these Realms, any Pension, or any Office, or Employment, Civil or Military, (except the Rangership and Office, or Place of Keeper of *Windsor* Great Park, and the Rangership and Office, or Place of Keeper of the Little Park at *Windsor*.) *Then*, and in either of the said Cases, from thenceforth all and every the Uses, Estates, and Trusts by me herein limited, and expressed, or directed, of and concerning my  
several

Several Estates hereby devised, every, or any Part thereof unto, or to the Use of, or in Trust for the same *John Spencer*, and all and every the Powers and Authorities to him by me hereby given, or directed to be given, shall cease, and be void to all Intents and Purposes, as if the same *John Spencer* were actually dead: And then also, and in either of the said Cases, all and every of the same Estates, and the Rents, and the Profits thereof, shall immediately thereupon go over, and from thenceforth go, be and remain to the Use of, or in Trust for such other Person or Persons, who by Virtue of this my Will would have been intitled to the same, in Case he the same *John Spencer* were actually dead.

*Provided* always, That if the said *John Spencer* the Son, at the Time when either of the said Cases shall happen, (if either of them do ever happen) shall be under the Age of One and Twenty Years; then all the Rents and Profits of the same Estates, until the same *John Spencer* shall have attained the said Age, (except only the yearly



Sum of five hundred Pounds, which shall be paid thereout for the Maintenance and Education of the same *John Spencer*) shall be taken as Part of and go along with the Residue of my personal Estate, as the said Residue is herein after disposed of or directed to be disposed of.

*Provided* always, and my Will is, and I do hereby expressly declare, That in case the said *John Spencer* the Son of my said Grandson, or any Person or Persons in Trust for him, shall, at any Time after my Decease, accept or take from any King or Queen of these Realms any Pension, or any Office or Employment, Civil or Military, (except the Rangership and Office or Place of Keeper of *Windsor Great Park*, and the Rangership and Office or Place of Keeper of the Little Park at *Windsor*;) Then and in such Case, from thenceforth all and every the Uses, Estates, and Trusts by me hereby limited, expressed, or directed, of and concerning my several Estates hereby devised, every or any Part thereof unto or to the Use of, or in Trust for the same

*John*

*John Spencer* the Son, and all and every the Powers and Authorities to him by me hereby given, or directed to be given, shall cease and be void to all Intents and Purposes, as if the same *John Spencer* were actually dead. . . And then also, and in such Case, all and every the same Estates, and the Rents and Profits thereof, shall immediately thereupon go over, and from thenceforth go, be, and remain to the Use of or in Trust for such other Person or Persons, who by virtue of this my Will would have been intitled to the same, in case the same *John Spencer* were actually dead.

*And whereas* by Lease from the Crown, bearing Date on or about the 10th Day of *July* last past, I am possessed of or intitled to All that the Capital Messuage in which I now inhabit, call'd *Marlborough-House*, with the severall Yards, Gardens, Curtilages, Ground, Edifices, and Buildings thereunto belonging, or therewith used, occupied, or enjoyed, situate, lying, and being within or near the Parishes of *St. James* within the Liberty of *Westminster*, and *St. Martin in*

*the Fields* in the County of *Middlesex*, of one of them, and in and by the said Lease more particularly mentioned and described, To hold unto me, my Executors, Administrators and Assigns, from the Date of the said Lease, for the Term or Terms of 50 Years :

Now I do hereby give and bequeath all my Estate and Interest in the said Capital Messuage and last mentioned Premises (subject to such Charge thereon as is herein after mentioned) unto my Executors herein after named, upon the Trusts following; that is to say, *in Trust* for the said *John Spencer* the Father, for so much and so long of the said Term or Terms of 50 Years therein as he shall live; and from and after his Decease, then *in Trust* for *George Spencer* Esquire, commonly called Marquis of *Blandford*, eldest Son and Heir apparent of the said *Charles Duke of Marlborough*, for so much and so long of the said Term or Terms of Fifty Years therein as he shall live; and from and after his Decease, *in Trust* for such Son of the Body of the said *George Spencer* lawfully to be begotten, as shall first attain the Age of

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One and Twenty Years; and the Executors and Administrators of such Son, for all the then Residue of the said Term or Terms of Fifty Years therein ; and in the mean time, *in Trust* to permit the eldest Son, for the Time being, of the Body of the said *George Spencer*, lawfully to be begotten, to have, hold, and enjoy the same Capital Messuage and Premises to and for his and their own Use and Benefit.

*Provided* always, That in case the said *George Spencer* shall have no Son of his Body lawfully begotten, who shall live to attain the said Age of One and Twenty Years, then *In Trust* for *Charles Spencer* Esq; commonly called Lord *Charles Spencer*, second Son of the said *Charles Duke of Marlborough*, for so much and so long of the said Term or Terms of fifty Years therein as he shall live. And from and after his Decease, *in Trust* for such Son of the Body of the said *Charles Spencer* lawfully to be begotten, as shall first attain the Age of one and twenty Years ; and the Executors and Administrators of such Son for all the then residue of the said Term or Terms of fifty Years therein ; and in the  
mean

mean time, *In Trust* to permit the eldest Son for the time being, of the Body of the said *Charles Spencer*, lawfully to be begotten, to have, hold, and enjoy the same Capital Messuage and Premises, to and for his and their own Use and Benefit.

*Provided* always, That in case the said *Charles Spencer* shall have no Son of his Body lawfully begotten, who shall live to attain the said Age of one and twenty Years, then *In Trust* for such other Son of the Body of the said *Charles Duke of Marlborough*, lawfully begotten, or to be begotten, as shall first attain the said Age of one and twenty Years, and the Executors and Administrators of such Son, for all the then Residue of the said Term or Terms of 50 Years therein,

And in the mean Time, *In Trust* to permit the eldest of such other Sons, for the Time being, of the Body of the said *Charles Duke of Marlborough*, lawfully begotten, or to be begotten, to have, hold, and enjoy the same Capital Messuage, and Premises to and for his and their own Use and Benefit.

*Provided*

*Provided* always, That in case the said *Charles Duke of Marlborough* shall have no other Son of his Body lawfully begotten, or to be begotten, who shall live to attain the said Age of one and twenty Years; then, *In Trust* for the said *John Spencer* the Son, for so much, and so long of the said Term or Terms of 50 Years therein, as he shall live.

And from and after his Decease, *In Trust* for such Son of the Body of the same *John Spencer*, lawfully to be begotten, as shall first attain the Age of one and twenty Years, and the Executors and Administrators of such Son, for all the then Residue of the said Term or Terms of 50 Years therein.

And in the mean time, *in Trust* to permit the eldest Son for the Time being, of the Body of the said *John Spencer*, the Son lawfully to be begotten, to have, hold, and enjoy the same Capital Messuage and Premises to, and for his and their own Use and Benefit.

*Provided* always, That in Case the said *John Spencer* the Son shall have no Son  
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of his Body lawfully begotten, who shall live to attain the said Age of one and twenty Years; Then in *Trust* for other Son of the Body of the said *John Spencer* the Father lawfully begotten, or to be begotten, as shall first attain the said Age of one and twenty Years, and the Executors, and Administrators of such Son, for all the then Residue of the said Term, or Terms of fifty Years therein; and in the mean time *in Trust*, to permit the Eldest of such Sons for the time being of the same *John Spencer*, lawfully begotten, or to be begotten, to have, hold, and enjoy the same Capital Messuage and Premises to, and for his, and their own Use and Benefit.

*Provided* always, That in Case the said *John Spencer* the Father, shall have no other Son of his Body lawfully begotten, or to be begotten, who shall live to attain the said Age of one and twenty Years, then and in such Case, the same Capital Messuage and Premises shall from thenceforth for all the then residue of the said Term, or Terms of fifty Years therein, be,

go and remain, *in Trust* for the Person, or Persons, who for the Time being shall be intituled unto, and inherit the Honour and Title of Duke, or Duchess of *Marlborough*, (other than, and except the said *Charles Duke of Marlborough*).

*Provided* always, That in Case my said Grandson *John Spencer* shall at any time after my Decease, dispose of his Estate and Interest, or any Part thereof in the said Capital Messuage and Premises, or any Part thereof, or depart from the Possession and Occupation of the same, by Lease, Sale, Exchange, Loan, or otherwise howsoever, on any Account whatsoever, (except the little House adjoining to the Chappel, used as a *French* and *Dutch* Church, now inhabited by *Robert Earl of Clancarty*;) then and in such Case my Will is, and I do hereby order and direct, that my Executors herein after named, or the Survivors, or Survivor of them, his Executors, or Administrators, shall and do immediately thereupon sell, and dispose of the same Capital Messuage and Premises for all the then

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Residue



Residue of the said Term, or Terms of 50 Years therein, for the most Monies, and best Price they can get for the same; and the Monies arising by such Sale shall be taken as Part of, and go along with the Residue of my Personal Estate, as the said Residue is herein after disposed of, or directed to be disposed of.

*Provided* always, That in Case the said *George Spencer*, commonly called *Marquis of Blandford*, or any of his Sons, or the said *Charles Spencer*, commonly called *Lord Charles Spencer*, or any of his Sons, or any other Son of the said *Charles Duke of Marlborough* hereafter to be born, shall at any time after my Decease, and during the Life of the said *Charles Duke of Marlborough*, dispose of his or their Estate and Interest, or any Part thereof in the said Capital Messuage and Premises, or any Part thereof, or depart from the Possession and Occupation of the same by Lease, Sale, Exchange, Loan, or otherwise howsoever, on any Account whatsoever (except the Little House adjoining to the Chappel, used

as a *French* and *Dutch* Church, now inhabited by *Robert* Earl of *Clancarty*;) or if the said *George Spencer*, commonly called Marquis of *Blandford*, or any of his Sons, or the said *Charles Spencer*, commonly called Lord *Charles Spencer*; or any of his Sons; or any other Son of the said *Charles* Duke of *Marlborough* hereafter to be born, shall during the Life of the said *Charles* Duke of *Marlborough*, do or suffer, or covenant, or agree to do or suffer any Act, whereby all, or any of the Estates, Remainders, Limitations, or Uses in the said late Duke of *Marlborough's* Will, declared or expressed, may be defeated or barred; Then and in any, or either of the said Cases, all and every the Bequests of any Estate, or Interest whatsoever, of or in the same Capital Messuage, called *Marlborough-House*, and other the Premises hereby given or limited to them, the said *George Spencer*, commonly called Marquis of *Blandford*, and his Sons, and the said *Charles Spencer*, commonly called Lord *Charles Spencer*, and his Sons, and the other Sons of the said *Charles* Duke of *Marlborough*

hereafter to be born as aforesaid, shall absolutely from thenceforth cease, and be void to all Intents and Purposes.

And then, in such Case, the same Capital Messuage and Premises shall immediately thereupon, after the Death of my said Grandson *John Spencer*, go, be and remain to the several Uses, Trusts, Intents and Purposes following; that is to say, *in Trust* for the said *John Spencer* the Son, for so much, and so long of the said Term, or Terms of 50 Years therein, as he shall live, in the same manner as if all the Issue Male of the said *Charles Duke of Marlborough* were dead.

And from and after the Decease of the said *John Spencer* the Son, *In Trust* for such Son of the Body of the same *John Spencer* lawfully to be begotten, as shall first attain the Age of one and twenty Years; and the Executors and Administrators of such Son, for all the then Residue of the said Term or Terms of fifty Years therein.

And

And, in the mean time, *In Trust* to permit the eldest Son for, the time being, of the Body of the said *John Spencer* the Son, lawfully to be begotten, to have, hold and enjoy the same Capital Messuage and Premises, to and for his and their own Use and Benefit. *Provided* always, that in Case the said *John Spencer* the Son shall have no Son of his Body lawfully begotten, who shall live to attain the said Age of one and twenty Years, then *In Trust* for such other Son of the Body of the said *John Spencer* the Father lawfully begotten, or to be begotten, as shall first attain the said Age of one and twenty Years, and the Executors and Administrators of such other Son, for all the then Residue of the said Term or Terms of fifty Years therein : And in the mean time, *In Trust* to permit the Eldest of such other Sons for the time being, of the same *John Spencer* lawfully begotten, or to be begotten, to have, hold and enjoy the same Capital Messuage and Premises, to and for his and their own Use and Benefit, *Provided* always, That in Case the said *John Spencer* the Father shall have no  
other

other Son of his Body lawfully begotten, or to be begotten, who shall live to attain the said Age of one and twenty Years :

Then, and in such Case my Will is, and I do hereby order and direct, that my Executors herein after named, or the Survivors or Survivor of them, his Executors or Administrators, shall, and do sell, and dispose of the same Capital Messuage and Premises, for all the then Residue of the said Term or Terms of 50 Years therein, for the most Monies and best Price they can get for the same. And the Monies arising by such Sale, shall be taken as Part of, and go along with the Residue of my Personal Estate, as the said Residue is herein after disposed of, or directed to be disposed of.

And my Will is, and I do hereby authorize, empower, and direct my Executors herein after named, their Executors, and Administrators, from time to time as Occasion shall require, and as they shall think proper, during the Continuance of the said Trusts by me herein declared, of and concerning

cerning the said last mentioned Leasehold Premises) to apply for, and do their Endeavours to renew the said Lease of the said Capital Messuage and other the said last mentioned Premises; the Costs and Charges of all which Renewals, I do hereby charge on the same Capital Messuage and Premises.

*And* I do order and direct, that all new Leases hereafter to be obtained of the same Premises, shall be, and be declared to be on the like Trusts, and subject to the like Proviso's and Contingencies as are herein declared, of and concerning the said now subsisting Lease of the same Premises, or such of the same Trusts as shall be then subsisting.

*And whereas* I am possessed of, or intitled to another Lease from the Crown, bearing Date on or about the 13th Day of *February*, 1728. for a certain Term of Years not yet expired, as in and by the said Lease more fully will appear :

Now I give and devise the same Lease, and all my Estate and Interest thereby demised

mitted to my Executors herein after named, *In Trust* for the Owner and Proprietor, for the time being, of the said *Marlborough-House*, to go along, and be held and enjoyed with the same, and subject to the same Conditions and Limitations.

*And whereas* I am impowered by the Duke of *Marlborough's* Will to dispose of such of the Goods and Furniture in *Marlborough-House* aforesaid, as are my own, though they were bought in his Life-time :

*And whereas* there is an Inventory, which will shew which of the Goods and Furniture in the said House are mine, (whether bought in the said Duke of *Marlborough's* Life-time, or since his Decease : )

Now I do hereby give and bequeath all such of the Goods, Furniture and Pictures, which are and shall be my own, and which shall be in the said *Marlborough-House* at the Time of my Decease, except such of them as I shall otherwise dispose of by this my Will, or by any Codicil or Codicils

is to be by me made thereto, unto my said Grandson *John Spencer*, his Executors and Administrators.

*Item*, I give and bequeath unto my said Grandson, *Charles Duke of Marlborough*, his Executors and Administrators, to and for his and their own Use and Benefit, all such Goods, Furniture and Pictures, as are, or shall be my own, and which shall be in *Blenheim House in Oxfordshire* at the Time of my Decease, (except such of the said Goods, Furniture and Pictures, whereof I shall otherwise dispose by this my Will, or by any Codicil or Codicils to be by me made thereto.)

But the said Bequest of my said Goods, Furniture, and Pictures in *Blenheim House* to the said *Charles Duke of Marlborough*, is upon this express Condition, That he do not remove any of the Goods or Furniture from *Althorp House*, but permit the same to be enjoyed by my said Grandson *John Spencer*, his Executors and Administrators, (unless the said Goods and Furniture in *Althorp House* shall be of greater Value than



my said Goods, Furniture, and Pictures in *Blenheim* House; in which Case, the said Duke of *Marlborough* may remove from *Althorp* House Part of the said Goods or Furniture, leaving only so much thereof as shall be equal in Value to my said Goods, Furniture, and Pictures, which, at the Time of my Decease, shall be in *Blenheim* House.)

And in case the said *Charles* Duke of *Marlborough* shall refuse to perform the said last mentioned Condition, then I give all my said Goods, Furniture, and Pictures in *Blenheim* House, (except as aforesaid) to the same *John Spencer*, his Executors and Administrators.

And my Will is, and I do hereby order and direct, That all the Goods and Furniture, which at the Time of my Decease shall be in or about my Mansion House at *Holywell* in *St. Albans*, in the said County of *Hertford*, (except such of them as I shall otherwise dispose of by this my Will, or by any Codicil or Codicils to be by me hereafter made thereto) shall remain and

continue

continue there, and be always held and enjoyed therewith, as far as the Law will admit of.

*And whereas* by Letters Patent, dated on or about the 18th Day of *July*, in the eighth Year of the Reign of her late Majesty Queen *Anne*; her said late Majesty granted the Rangership and Office, or Place of Keeper of *Windsor* Great Park, and of all the Houses or Lodges there; and also of the keeping the Paddock Walk, and the Houses or Lodges belonging to the same Walk, and all other Profits in the said Great Park, unto *James Craggs, Samuel Edwards, and Charles Hodges* Esquires, and their Heirs, *In Trust* for me and my Heirs, during the Lives of myself and *Henrietta* late Duchess of *Marlborough*, and *Mary* Duchess of *Montagu*, and the Life of the longest Liver of us:

Now I do hereby will, order and direct, That the Heirs or Assigns of the said *Samuel Edwards* shall stand seized, possessed, and interested of and in the said Rangership and Office or Place of Keeper of the said

Great Park, and of and in the said Houses or Lodges there; and of and in all other the said last mentioned Premises, for and during all the Residue of my said Estate and Interest, which shall be to come therein at the Time of my Decease, by Virtue of the said Letters Patent, *In Trust* for my said Grandson *John Spencer*, his Heirs and Assigns.

And I give and bequeath all the Goods, Furniture and Pictures, which shall be in the Chief Lodge there at the Time of my Decease, (except such of them as I shall otherwise dispose of by this my Will, or by any Codicil or Codicils to be by me made thereto) unto the same *John Spencer*, his Executors and Administrators, to and for his and their own Use and Benefit.

*And whereas* by Virtue of the said Letters Patent, the Heirs or Assigns of the said *Samuel Edwards* are seized or intitled to them and their Heirs, *In Trust* for me and my Heirs, of and in the Rangerhip and Office or Place of Keeper of the Little Park

at *Windsor*, and all the Lodges in the same Park, during the Life of the said *Charles* now Duke of *Marlborough*, (the said *Henrietta*, late Dutches of *Marlborough*, and *George Churchill* Esq; the two other Nominees in the said Letters Patent, named with respect to the same Premisses, being since dead;):

Now I do hereby will, order, and direct, That the Heirs or Assigns of the said *Samuel Edwards* shall stand seized, possessed, and interested, of and in the said Rangerhip and Office, or Place of Keeper of the said little Park, and Lodges therein, and of and in all other the said last mentioned Premisses, for and during all the Residue of my said Estate and Interest, which shall be to come therein at the Time of my Decease, by Virtue of the said Letters Patent, upon the Trusts following; that is to say, *In Trust* for the said *John Spencer*, the Son, for and during so much of my said Estate and Interest therein, as he shall live.

And

And from and after his Decease, *In Trust* for his Father, my said Grandson *John Spencer*, his Heirs and Assigns.

And my Will is, that all my Goods and Furniture, which at the Time of my Decease, shall be in my Lodge in the said little Park, shall be enjoyed by the Person and Persons, who, for the Time being, shall be in Possession of the said Lodge, and other the said last mentioned Leasehold Premises, by Virtue of this my Will; and shall, at the Determination of my said Estate and Interest in the said last mentioned Leasehold Premises, go to such of them, the said *John Spencer* the Son, or *John Spencer* the Father, who shall then be in Possession thereof, his Executors and Administrators: And in case of both their Deaths before that Time, then to the Executors and Administrators of my said Grandson *John Spencer*.

I give, devise, and bequeath unto my Grandaughter *Isabella*, Duchess Dowager  
of

of *Manchester*, her Heirs and Assigns, all that my Piece of Ground, with the Messuage thereon built, and the Appurtenances, in *Dover-street* in the County of *Middlesex*, and which I lately purchased of the Executors and Trustees of the late Countess of *Westmorland*.

I also give and bequeath unto the said *Isabella*, Duchess Dowager of *Manchester*, her Executors and Administrators, all my Goods, Chattels, and Furniture, which, at the Time of my Decease, shall be in or about the said last mentioned Messuage and Premises.

I give and bequeath unto the said *Hugh* Earl of *Marchmont*, *Thomas* Lord Bishop of *Oxford*, the said *Beversham Filmer* and *James Stephens*, their Executors and Administrators, all that my Leasehold Piece of Ground, and the Brick Messuage, and other Erections thereon built, with the Appurtenances, in *Grosvenor-street*, in the Parish of *St. George, Hanover-Square*, in the County of *Middlesex*, for all my Term and Interest.

Interest, which shall be to come therein at the Time of my Decease : And all my Goods, Chattels and Furniture, which at the Time of my Decease shall be in or about the said Messuage and Premises, upon the Trusts following ; that is to say, *In Trust*, for the said *John Spencer* the Son, his Executors and Administrators.

*Provided* always, That in case the said *John Spencer* the Son shall not live to attain the Age of One and Twenty Years, then *in Trust* for my said Grandson *John Spencer*, his Executors and Administrators.

*Item*, I do hereby make, constitute, and appoint the said *Hugh Earl of Marchmont*, the Right Reverend Father in God *Thomas* Lord Bishop of *Oxford*, *Beversham Filmer*, and *James Stevens*, joint Executors of this my last Will and Testament : And I give the Sum of Two Thousand Pounds a piece, unto such of them my said Executors as shall prove this my Will, and take on them the Burthen and Execution thereof, and of the Trusts hereby in them reposed, as an  
Acknow-

Acknowledgment for their Care and Trouble in and about the same.

*Item*, I give and bequeath unto, or in Trust for the several and respective Persons whose Names shall be mentioned and expressed in my Codicil or Codicils, to be by me made to this my Will; or in any other Writing or Writings subscribed by me, and attested by two or more credible Witnesses; the several and respective Legacies, Sums of Money, Annuities, Things, and Bequests, which in and by such Codicil or Codicils, or Writing or Writings, shall be mentioned and expressed to be by me given and bequeathed, or appointed unto or in Trust for such several Persons respectively, which Codicil or Codicils, or Writing or Writings, I will and direct shall be, and be deemed and taken to be, as and for Part of this my last Will and Testament.

*Item*, As to all the Rest, Residue, and Remainder of my Goods, Chattels, Stocks, Funds, Moneys, Mortgages, and Securities for Money, and all other my personal Estate



whatsoever and wheresoever, and of what Nature, Kind, or Quality soever the same be, not by me otherwise already disposed of, or hereafter to be disposed of, (after and subject to the Payment of my just Debts and Funeral Charges, and the several Legacies, Sum and Sums of Money, Bequests, and Appointments by me given, bequeathed or made, or hereafter to be given, bequeathed or made;) *I give*, devise, and bequeath the same and every Part thereof, and all my Estate and Interest therein, unto my said Executors the said *Hugh Earl of Marchmont, Thomas Lord Bishop of Oxford, Beversham Filmer*, and *James Stephens*, their Heirs, Executors, Administrators, and Assigns respectively; *upon Trust* that they my said Trustees and Executors, or the Survivors or Survivor of them, his Heirs, Executors, Administrators or Assigns, shall and do, as soon as conveniently may be after my Decease, sell and convert into ready Money all such Part or Parts thereof as shall not consist of Moneys, or Securities for Money; and shall and do call, receive, and get in all such Part and Parts thereof

as consist in Moneys, Securities for Money, and shall and do thereupon, or with all convenient Speed then afterwards, lay out and invest the Moneys arising by such Sale or Sales, and to be called, received, and got in as is last mentioned, together with all other the said Residuum of my said personal Estate, (after and subject as aforesaid) in one or more Purchase or Purchases of Freehold Manors, Messuages, Lands, or Hereditaments of an Estate of Inheritance in Fee-simple, in some convenient Place or Places within that Part of *Great-Britain* called *England*; (with Liberty nevertheless to purchase, together with such Fee-simple Estates, any Copyhold or Leasehold Estates which are necessary or convenient to go or be enjoyed therewith;) and thereupon settle, convey, and assure, or cause to be settled, conveyed, and assured, All such Manors, Messuages, Lands, or Hereditaments to be purchased, as is last mentioned, with their Appurtenances, To the Use of my said Grandson the said *John Spencer*, and such other Person and Persons, and in such and the like Order and Manner, and to,

for, and upon such and the like Estate and Estates, Uses, Trusts, Intents and Purposes, and upon and under; and subject to such and the like Charges, Powers, Provisoos, Conditions, Restrictions, and Limitations as are by me herein before devised, limited, or declared, of and concerning my said Manors, Messuages, Lands, Hereditaments, and Estate of Inheritance first herein before devised, or as near thereto as may be, and the Deaths of Persons and other Contingencies will admit of.

*And* I do hereby authorize and empower my said Grandson *John Spencer*, as and when he shall come into and be in Possession of the said Manors, Messuages, Lands, Hereditaments, and Estate last mentioned, and first devised as aforesaid, or of the Manors, Lands, or Hereditaments to be purchased with the said Residuum of my said personal Estate, or any Part thereof, by any Deed or Writing, Deeds or Writings under his Hand and Seal attested by two or more credible Witnesses, to grant, settle, limit, or appoint (if he shall think fit) any Part  
or

or Parts of the same Manors, Lands, Hereditaments and Premises, (not exceeding what may be lett at, or worth to be lett at the yearly Sum of three hundred Pounds in the whole) unto, or to the Use of, or in Trust for the said *Georgina Carolina* his now Wife, for her Life, in Augmentation of her Jointure limited to, or settled upon her by the said Indenture of Settlement of the 13th Day of *February*, in the Year of our Lord 1733, (the same to be in full of what he can settle upon her by Virtue of this my Will.)

*And* I do empower the same *John Spencer* (in Case he survive the said *Georgina Carolina*, his now Wife) as and when he shall come into, and be in Possession of the said Manors, Lands, or Hereditaments first herein before devised, or of the Manors, Lands, or Hereditaments directed to be purchased with the said Residuum of my said Personal Estate as aforesaid, or any Part thereof, by any Deed or Writing, or Deeds or Writings under his Hand and Seal, attested by two or more credible Witnesses,

nesses, to grant, settle, limit, or appoint, any Part, or Parts, of the same Manors, Lands, or Hereditaments, not exceeding what may be lett at, or worth to be lett, at the yearly Sum of fifteen hundred Pounds in the whole, unto or in Trust for, or to the Use of any Woman, or Women, with whom he shall afterwards happen to intermarry (either before, or after such Marriage) for the Life or Lives of such Woman, or Women, for her, or their Jointure, or Jointures, or in Part of Jointure.

*And* I do hereby authorize, impower, and direct my acting Executors for the time being, from time to time, and until the whole of the said Residuum of my said Personal Estate shall be laid out, and invested in such Purchase or Purchases of Manors, Lands, or Hereditaments to be settled, as is last mentioned, to deposite any of the Moneys belonging to, or arising from my said Residuary Estate, or any Part thereof in the Bank of *England* for safe Custody, as and when Occasion shall require. *And* from time to time to continue, or lend,

lend, and place out the same Moneys and Estate, or any part thereof, upon Parliamentary Securities at Interest, or in the Purchase of Stock, or Annuities in the Bank of *England*, or of *South-Sea* Annuities, upon the Trusts aforesaid : *And* from time to time to call and receive in the Moneys so deposited or lent or placed out on Securities, or to sell and dispose of such Stocks or Annuities so to be purchased, as is last mentioned, or any Part thereof ; and again to deposit, lend, place out, or invest the same Moneys or any part thereof in manner aforesaid, as often as there shall be occasion, and they shall think fit, subject to the Trusts before mentioned, concerning the same.

And my Will is, and I hereby direct, that in the mean Time from and after my Decease, and until the said Residuum of my Personal Estate shall be laid out in such Purchase or Purchases of Manors, Lands, or Hereditaments to be settled, as is last mentioned :

All

All the clear Yearly Interest and Produce that shall be made of the same Moneys and Estate, every or any Part thereof, shall from Time to Time be paid to, and received by such Person or Persons, as and to whom the Rents and Profits of the Mannors, Lands or Hereditaments therewith to be purchased as aforesaid, (if purchased and settled) would for the Time being belong or appertain by Virtue of this my Will, and the Uses and Limitations hereby directed to be limited of the same Premises, in and by such Settlement or Settlements to be made thereof, as aforesaid.

And my further Will is, That they my said Trustees and Executors, or any of them, their or any of their Executors or Administrators, shall not be charged or chargeable with, or accountable for any more of the aforesaid Trust Estates, Moneys, and Premises, than they respectively shall actually receive, or shall come to their respective Hands by Virtue of this my Will, nor with or for any Loss which shall happen of the same

same Estates, Moneys, and Premises, or any part thereof, so as such Loss happen without their wilful Default, nor any one of them for the other or others of them, or for the Acts, Deeds, Receipts, or Disbursements of the other or others of them; but each of them only for his own Acts, Deeds, Receipts, or Disbursements.

And also, that it shall and may be lawful for them my said Trustees and Executors, and each and every of them, their and each of their Executors and Administrators, in the first place, by and out of the aforesaid respective Trust Estates, Moneys, and Premises, to deduct and reimburse him and themselves respectively, all such Loss, Costs, Charges and Expences, as they or any of them shall respectively sustain, expend, or be put unto, for or by Reason of the said several Trusts hereby in them reposed, in relation to the same Estates, Moneys, and Premises respectively, or the Management and Execution thereof, or any other thing in any wise relating thereunto.



*In Witness* whereof, I the said *Sarah*,  
 Duchess Dowager of *Marlborough*, the Te-  
 statrix, have to this my Last Will and Testa-  
 ment, contained in this and the seven pre-  
 ceding Skins of Parchment, set my Hand and  
 Seal ; (to wit) my Hand to the Bottom of  
 each of the said seven preceding Skins, and  
 my Hand and Seal to this last Skin ; and my  
 Seal at the Top of the first of the said Skins,  
 where all the said Skins are fixed together,  
 the Day and Year first above written.

SARAH MARLBOROUGH.

*The Writing* contained in this and the  
 seven preceding Skins of Parchment,  
 was signed and sealed by the above  
 named *Sarah*, Duchess Dowager of  
*Marlborough*, and by her published  
 and declared as and for her Last Will  
 and Testament ; in the Presence of  
 us, who have hereunto subscribed our  
 Names, as Witnesses thereto, in her  
 Presence, and in the Presence of  
 each other.

*Fane.*

*Edmund London.*

*W. Lee.*

*John Scrope.*

THE

THE  
CODICIL.

**T**HIS is a Codicil to the Last Will and Testament of me *Sarah* Duchess Dowager of *Marlborough*, which I duly made and published, bearing Date the 11th Day of *August* Instant, and which Will I do hereby ratify and confirm in all Respects.

*Whereas* I am possessed of, interested in, or intitled unto several long Annuities (amounting together to the yearly Sum of two thousand six hundred Pounds) payable out of his Majesty's Exchequer for the Residue of several long Terms of Years yet to come :

Now I do hereby Give and Bequeath all  
my said Exchequer Annuities unto the Right  
Honourable *Hugh* Earl of *Marchmont*;  
*Thomas* Lord Bishop of *Oxford*; *Bever-*  
*sham* *Filmer* Esq; and *James* *Stephens*;  
K 2 Doctor

Doctor in Physick, (my Executors in my said Will named) their Executors and Administrators, upon the Trusts herein after expressed concerning the same; that is to say, *upon Trust*, That they my Executors, or the Survivors or Survivor of them, his Executors, or Administrators, shall and do within three Kalendar Months after my Decease, assign and transfer the yearly Sum of 300 <sup>l</sup> part of my said Exchequer Annuities, unto the said *James Stephens*, for his own absolute Use and Benefit, during all my Term and Interest therein .

*And* the yearly Sum of three hundred Pounds, other part of my said Annuities, unto *Grace Ridley*, for her own absolute Use and Benefit, during all my Term and Interest therein.

*And upon* this further Trust, That they my said Executors, or the Survivors or Survivor of them, his Executors, or Administrators, shall and do pay out of my said Exchequer Annuities unto the several Persons hereafter named, for so long of the several Terms of Years in the same Annuities, as they the same Legatees shall respectively

pectively live, the several yearly Sums following; that is to say,

*To Robert Maccarty, called Earl of Clancarty, the yearly Sum of 1000 l.*

*To Elizabeth Arbor, the yearly Sum of 200 l.*

*To Anne Patten, the yearly Sum of 130 l.*

*To Olive Lofft, the yearly Sum of 40 l.*

*To John Griffiths, the yearly Sum of 200 l.*

*To Hannah Clarke the yearly Sum of 200 l.*

*To Jeremiah Lewis, the yearly Sum of 50 l.*

*To John Dorset, the yearly Sum of 50 l.*

*To each of my two Chairmen, George Humphreys and John Robins, the yearly Sum of 20 l.*

*To Walter Jones, the yearly Sum of 30 l. and to each of my Footmen that shall continue in my Service to my Death, the yearly Sum of 10 l.*

*To Margaret Garmes, the yearly Sum of 10 l. And to Catharine Garmes, the yearly Sum of 10 l.*

*All*

( 20 )

*All* which several Annuities *I Will* shall be paid unto the said Legatees thereof, by four equal quarterly Payments, on such Feasts or Days of Payment as the afore-  
said Annuities are Payable at the Exchequer, or so soon after, as may be ; the first of the said quarterly Payments to begin and be made at such of the said Feasts as shall next happen after my Decease.

*And I Will* and direct, That all the Residue and Overplus of my said Exchequer Annuities, as the same shall be from time to time received, (over and above so much thereof as shall be assign'd to the said *James Stephens* and *Grace Ridley* respectively as aforesaid, and over and above so much of the then Residue thereof as shall be sufficient to pay and satisfy such of the said other yearly Sums as for the time being shall be subsisting and payable) shall be paid to and received by my Grandson *John Spencer*, or such other Person, or Persons, who for the time being, by Virtue of my said Will, and the Settlement or Settlements thereby by me directed to be made, shall be intitled to the Rents and Profits of the Manors, Lands or Hereditaments directed

rested to be purchased with the Residue of my Personal Estate.

And I hereby direct my said Executors, and the Survivors and Survivor of them, his Executors and Administrators, to pay and apply the said Residue and Overplus of the said Annuities accordingly.

I give to my said Grandson *John Spencer* All my Gold and Silver Plate whatsoever, which I shall not otherwise dispose of, and desire he would not part therewith, but keep the Arms as they are upon it.

I also give him all my Seals and Trinkets, and small Pieces of Japan, which I shall not otherwise dispose of.

I give to the Wife of *John Spencer*, now only Son of my said Grandson *John Spencer*, (if he shall live to be married) my best Diamond Pendants, which have three Brilliant Drops to each, and all the rest of my Jewels which I shall not otherwise dispose of. And in Case he dies unmarried, I give the same to his Father.

I give to my Granddaughter *Mary* Duchess of *Leeds*, my Diamond Solitaire, with the large Brilliant Diamond it hangs to: Also the Picture in Water-Colours of the

the late Duke of *Marlborough* on Horseback, drawn by *Lens*, which is now at *Windsor Lodge*.

*I give to my Daughter Mary, Duchess of Montagu, my Gold Snuff-Box that has in it two Pictures of her Father the Duke of Marlborough, when he was a Youth. Also a Picture of her Father covered with a large Diamond, and hung to a String of small Pearls for a Bracelet, and two enamelled Pictures for a Bracelet of her Sister Sunderland and her Sister Bridgewater.*

*I give to Thomas Duke of Leeds 3000*l*.*

*I give to my Niece Frances Lady Dillon 1000*l*.*

*I give to Philip Earl of Chesterfield, out of the great Regard I have for his Merit, and the infinite Obligations I have received from him, my best and largest brilliant Diamond Ring, and the Sum of 20,000*l*.*

*I also give to William Pitt of the Parish of St. James within the Liberty of Westminster Esq; the Sum of 10,000*l*. upon Account of his Merit in the noble Defence he has made for the Support of the*  
*Laws.*

Laws of *England*, and to prevent the Ruin  
of his Country.

I give to Mr. *Burroughs*, Master in  
*Chancery*, the Sum of 200*l.* to buy a  
Ring.

I give to the said *Hugh Earl of Marb-  
mont*, *Thomas Lord Bishop of Oxford*,  
*Beverham Fishier* and *James Stephens*,  
over and above what I have respectively  
given them in my said Will, and by this  
Codicil, the Sum of 500*l.* a peice, to buy  
them Rings.

I give to the said *Robert Maccarty*,  
called Earl of *Clancarty*, over and above  
what I have hereby already given him, the  
Sum of 1000*l.*

And whereas *John Earl of Stair* owes  
me the Sum of 1000*l.* upon Bond: And  
whereas his Wife bought some things for  
me in *France*, and always declined letting  
me know what they cost; I desire the said  
Earl of *Stair* to pay my Lady *Stair* what she  
so laid out for me, out of the Principal Money

L.

and



and Interest due on the said Bond, and the Remainder of the Principal and Interest I desire him to accept of. *And* I direct the said Bond to be delivered up to him. And as to any Sum or Sums of Money, which by my Account with the Bank, or by any Memorandums of mine, the said Earl may appear to have received of me, (for which, as I took no Security, there is no Evidence but his own Letters) I direct that no Demand be ever made for the same.

*I give* to the Right Honourable *Juliana* Countess of *Burlington*, my Bag of Gold Medals, and the Sum of 1000*l.* to buy a Ring in Remembrance of me, or whatever other thing she pleases.

*I give* to the Duchess of *Devonshire* my Box of travelling Plate,

*I also give* to the said *James Stephens*, over and above what I have already given him by my said Will and this Codicil, the Sum of 13000*l.* what I give him being not only in Consideration of his faithful past Services for many Years, but in Consideration

sideration, of what he is, yet to do, as my Trustee and Executor, and as Trustee for my said Grandson *John Spencer*, and his Issue; and in Confidence that he will perform the Trusts reposed in him, by making a true Account of what my Effects are in, and in disposing of my Books and Papers, in such manner as I shall direct in a Letter to my Executors.

*And I also* will and direct, that as a further Compensation to the said *James Stephens*, for the great Trouble he will have in and about what he is by my said Will, and hereby willed and directed to do, that the yearly Sum of 300*l.* be paid unto him during his Life, by half-yearly Payments, clear of all Deductions, out of the Income of my personal Estate, until the Residue thereof shall be invested in Lands, according to my Will. And that afterwards the same 300*l.* yearly, clear of all Deductions, be continued and paid unto him, out of the Rents and Profits of the Estates to be purchased with my said residuary personal Estate, over and above all other Gifts to him given or devised by my said Will, or this Codicil.

I give to the said *Grace Ridley*, (over and above the Sum of 1000*l.* which I have given a Security by Bond to pay her at my Death, which Bond at present is either mislaid or lost, and over and above what I have already given her in this Codicil) the Sum of 1500*l.* I also give her the enamelled Pocket-Picture of the late Duke of *Marlborough*, and the little Picture of the said Duke made up into a Locket, and my own Picture drawn by Sir *Godfrey Kneller*, which is only a Head, (and which is now at *Marlborough-House*) and my Striking Watch, which was formerly the late Duke of *Marlborough's*.

I give to *Ann Ridley*, if her Mother the said *Grace Ridley* shall survive me, the Sum of 3000*l.* (which is to be paid to her said Mother for the Benefit of the said *Ann Ridley*, and her said Mother's Receipt shall be a sufficient Discharge to my Executors for the same.) But if the said *Grace Ridley* shall happen to die before me, then I give to the said *Ann Ridley* the Sum of 8000*l.* to be paid on the Day of her Marriage,

riage, if she shall marry with the Consent of her Mother's Executors.

But if she shall marry without such Consent, or shall die unmarried, then, and in either of the said Cases, from thenceforth the said Sum of 8000 *l.* shall be taken as Part of and go along with the Residue of my personal Estate, as the said Residue is in and by my said Will disposed of, or directed to be disposed of.

And my Will is, That in the mean time, until the said *Ann Ridley* shall be married, or shall die unmarried, my said Executors, and the Survivors and Survivor of them, his Executors or Administrators, shall and do pay for her Use to her Mother's Executors, Interest for the said Sum of 8000 *l.* after the Rate of 4 *l. per Cent. per Ann.*

I give to Mrs. *Jane Pattison* my Striking Watch, which formerly belonged to her Mistress my Lady *Sunderland*.

And direct all my Clothes and Wearing Apparel to be valued and divided into two equal

equal Parts, and one Part or Moiety of the Whole I give to the said *Grace Ridley*, and the other Part or Moiety I direct to be divided into two Parts or Shares; and I give one of those Shares to the said *Ann Patten*, and the other to the said *Olive Lofft*.

I give to each of my Chairmen (over and above what shall be respectively due to them at the Time of my Decease, and over and above what I have already given them in this Codicil) the Sum of 25 *l*.

I give to each and every of my Servants, who shall be in my Service at the Time of my Death, (except such of them to whom I have given Bond or Annuities, or a Sum of Money in gross; and also except Stewards, Bailiffs, Gardeners, Park-Keepers, and others of the like Employment) one Year's Salary or Wages, over and above what shall be due to them respectively at the Time of my Decease; and to such of my Servants who shall attend at my Funeral, such Mourning as my said Executors shall think fit to allow them.

I give

I give to the Poor of the Town of *Woodstock* 300 *l.* to be distributed among them when I am buried.

*And whereas* there is in the Closet within my Bedchamber at *Wimbledon*, a little Picture of the late Duke of *Marlborough*, which was given me by Mrs. *Godolphin*; I desire that, if I die before her, the said Picture may be given her again.

I desire that my said Executors will let Mr. *Richard Glover* and Mr. *David Mallet* (who are to write the History of the late Duke of *Marlborough's* Life) have the Use of all such Letters and Papers relating to the said History, as shall be found at any of my Houses after my Decease. I believe there may be found many Letters from the late Queen *Anne* to the late Duke of *Marlborough*, and from him to her Majesty, and perhaps some from other Great Men of both Parties, which may be thought proper to be inserted in the said History. Mr. *Glover*, I believe, is a very honest Man, and wishes, as I do, all the Good that can happen to preserve the Liberties and Laws of *England*. Mr. *Mallet* was recommended

to

to me by the late Duke of *Montrose*, whom I admired extremely for his great Steadiness and Behaviour in all Things that related to the Preservation of our Laws and the publick Good. And I desire those two Gentlemen (Mr. *Glover* and Mr. *Mallet*) may write the said History; that it may be made publick to the World how truly the late Duke of *Marlborough* wished that Justice should be done to all Mankind, who, I am sure, left King *James* with great Regret at a Time when it's plain 'twas with Hazard to himself; and if he had been like the Patriots of the present Times, he might have been All that an ambitious Man could have hoped for, by assisting King *James* to settle Popery in *England*.

And as I have been extremely obliged to the Earl of *Chesterfield*, who never had any Call to give himself any Trouble about me, I believe he will comply with my very earnest Request, which is, That he will direct the two Persons above mentioned, who are to write the said History, which I am extremely desirous should be done well.

And

And I desire that no part of the said History may be in Verse, and that it may not begin in the usual Forms of writing Histories, but only from the Revolution.

And I direct, that the said History shall, before it is printed, have the Approbation of the said Earl of *Chesterfield*, and of all my Executors, or such of them as shall be living when it is finished, or the major part of them.

And I give unto each of them, the said Mr. *Richard Glover*, and Mr. *David Mallet*, for writing the said History, the Sum of 500 *l.* to be paid when the same shall be finished, to the Satisfaction of the said Earl of *Chesterfield*, and my Executors, or such of them as shall be living when it is finished, or the major part of them.

And I desire, that the said Mr. *Richard Glover* and Mr. *David Mallet* may have the Advantage of printing the said History.

And for the Furtherance of my Desire and Intention by my said Will expressed, to preserve the Remainders in the said late Duke of *Marlborough's* Will limited, of his Estates from being destroyed, and upon the Conditions and Contingencies herein after mentioned, to make some Provision for the

M

Ladies



Ladies *Diana* and *Elizabeth Spencer*, and Lord *Charles Spencer*, the younger Son and Daughters of my Grandson, *Charles Duke of Marlborough*, in Case *George*, Marquis of *Blandford*, the eldest Son of the said *Charles Duke of Marlborough*, shall live to attain the Age of 21 Years in his said Father's Life-time; or if he shall die under the Age of 21 Years, for the said Ladies *Diana* and *Elizabeth Spencer*, if the said Lord *Charles Spencer*, or other the eldest, or only Son of the said *Charles Duke of Marlborough* for the Time being, intituled next, and immediately in remainder after the said *Charles Duke of Marlborough*, to the said late Duke's Estate, by and under the said late Duke's Will, shall attain the Age of twenty-one Years in the Life-time of the said *Charles Duke of Marlborough*: If that Case shall happen, and such Son shall not for the Space of five Years after his Attainment of the said Age, do or suffer, or agree to do or suffer any Act whereby all or any of the Estates, Remainders, Limitations, or Uses in the said late Duke of *Marlborough's* Will declared or expressed, may be defeated or barred :

*Then,*

*Then*, and in such Case, *I give* and bequeath to the said Lord *Charles Spencer*, (if he shall not then be the eldest or only Son of the said *Charles Duke of Marlborough*) and to the said Ladies *Diana* and *Elizabeth*, or such of them who shall be living when the said eldest or only Son so next intitled, shall attain his Age of 21 Years, the Sum of 5000 *l.* a-piece, to be paid to them respectively without Interest, at the End of five Years after the said eldest or only Son so intitled in Remainder to the said late Duke of *Marlborough's* Estates, shall attain his said Age of 21 Years.

*But* if the said Lord *Charles Spencer* shall happen to be such eldest or only Son, his Legacy to cease, and the Legacies of 5000 *l.* a-piece, only to be payable to the said Ladies *Diana* and *Elizabeth Spencer* upon the Contingencies aforesaid.

*Provided* always, and it is my Will, That in Case the said *Charles Duke of Marlborough* shall die before such his Eldest or only Son shall attain the Age of twenty-one Years, or if such Eldest or only Son, who shall attain that Age in his Father's Life-time, shall within the said Space of five Years after, do or suffer, or agree to

do or suffer any Act for the barring or defeating all or any the Estates, Remainders, Limitations, or Uses in the said late Duke of *Marlborough's* Will, or in Case the said Lord *Charles Spencer* shall then be the Eldest or only Son of the said *Charles* Duke of *Marlborough*, or dead, and the said Ladies *Diana* and *Elizabeth Spencer* shall be then also dead; in each and every of the said Cases, I declare the Bequest hereby made of such Legacies to the said Younger Son and Daughters of the said *Charles* Duke of *Marlborough* to be null and void; which Legacies hereby given upon the Contingencies aforesaid, to the said younger Children of the said *Charles* Duke of *Marlborough*, in Case by the Act of their Elder Brother they shall not be prevented from having the Benefit thereof, with what they will be intitled to of their Mother's Fortune by means of the Agreement, or Settlement made on their Father and Mother's Marriage may be a competent Provision for them.

*And whereas* I have in and by my said Will and Testament given and devised unto the said *Hugh* Earl of *Marchmont* and *Beversham Filmer*, the Bulk of my Freehold,

hold, Copyhold, and Leasehold Estates, *In Trust* for the several Persons, and for the several Estates, Uses, Intents, and Purposes therein particularly mentioned : And from and after the Determination thereof, and subject thereto, *In Trust* for such Person or Persons, and for such Estate and Estates, Uses, Intents and Purposes, as I should by any Will, Codicil, or other Writing by me to be signed in the Presence of three or more credible Witnesses, declare, direct, limit, or appoint, or to that Effect.

*And whereas* I have by my said Will directed the Residue of my Personal Estate, after Payment of and subject to the Legacies and Gifts therein mentioned to be laid out in the Purchase of Lands and Hereditaments to be settled to and for the like Uses and Purposes as the said Bulk of my said Real Estates is by my said Will to go unto, or to that Effect.

*And whereas* I have also by my said Will given and devised unto the same Trustees my Manor of *Wimbledon*, and my Freehold and Leasehold Estates in *Wimbledon* in the County of *Surrey*, upon divers other Trusts, and subject to divers Limitations in my said Will contained ; and afterwards

terwards *In Trust* for such Person or Persons, and for such Estate and Estates, Uses, Intents and Purposes as I should by any Will, Codicil, or other Writing by me to be signed, in the Presence of three or more credible Witnesses declare, direct, limit, or appoint, or to that Effect, as in and by my said Will, whereto for greater Certainty I refer, will appear :

*Now* I do hereby ratify and confirm all and every the Estates, Devises and Limitations, Uses, Trusts and Powers in my said Will contained or specified, not hereby intending to revoke, vary, or alter the same in any respect whatsoever ; *But* intending only to give, devise, and bequeath so much of my Estate and Interest in my said Freehold, Copyhold and Leasehold Estates and Lands to be purchased with the Residue of my Personal Estate, as I have not already disposed of, in and by my said Will.

*And* to that End I do hereby, in pursuance of the Powers reserved by my said Will, give, devise and bequeath, subject nevertheless to the several Estates, Uses, Trusts, Intents and Purposes in my said Will-mentioned, as the same shall respectively determine, my said undisposed Estate  
and

and Interest in my said Freehold, Copyhold, and Leasehold Estates and Lands to be purchased with the Residue of my personal Estate respectively, unto and among the Persons hereafter named, in manner following; that is to say, *I so give*, devise, and bequeath unto the said *Thomas Duke of Leeds*, his Heirs and Assigns for ever, my Estate and Interest undisposed of by my said Will, in and to my real Estate, late, or some time of Mr. *Robotham*, lying in or near *St. Albans*, in the County of *Hertford*: As also in and to my Leasehold Estate in *Romney-Marsh* in the County of *Kent*, making it my Request to him not to sell or dispose of the Manors and Lands that were my late Father's or Mother's, which may happen to come to him :

*I give* and devise to the said *Philip Earl of Chesterfield*, his Heirs, Executors and Assigns, according to the Nature of the Estates respectively, my Estate and Interest undisposed of by my said Will, in and to my Manor of *Wimbledon* in the County of *Surry*, and all my Freehold and Leasehold Lands and Hereditaments at *Wimbledon* aforesaid: And also in and to my Manor, Lands and Hereditaments in the County of  
*North-*

*Northampton*, late the Estate of Sir *William Norwich* Bart. And also in and to my Manor, Lands and Hereditaments in the County of *Surry*, late the Estate of *Richard Holditch* Esq; And it is my Desire, that the Furniture of *Wimbledon* House go to the said Earl of *Chesterfield* therewith, in case the said Estates at *Wimbledon* shall happen to belong to him by virtue hereof.

*I give* and devise to the said *Robert Maccarty*, called Earl of *Clancarty*, his Heirs and Assigns for ever, my Estate and Interest undisposed of by my said Will, in and to all my Manor, Messuage, Lands and Hereditaments in the County of *Buckingham*, late the Estate of *Robert Knight* Esq;

To the said *William Pitt*, his Heirs, Executors and Assigns for ever, according to the Nature of the Estates respectively, my Estate and Interest undisposed of by my said Will, in and to all and every my Manors, Advowson, Messuages, Lands, Tenements, Tythes and Hereditaments in the said County of *Buckingham*, which were late the Estate of *Richard Hampden* Esq; deceased ; and in and to my Manors, Advowsons, Lands and Hereditaments, Freehold, Copyhold and Leasehold, in the County of *Stafford*, late the

the Estate of *Thomas* Lord Viscount *Fauconberg*; and in and to my Manor, Advowsons, Park, Lands, and Hereditaments in the County of *Northampton*, some time the Estate of *Nathaniel* Lord *Crew*, Lord Bishop of *Durham* deceased.

And to *Bishop* Esq; my Godson, Son of Sir *Cecil Bishop* Bart. his Heirs and Assigns for ever, my Estate and Interest undisposed of by my said Will, in and to my Manor, Lands and Hereditaments in the County of *Oxford*, late the Estate of the said Sir *Cecil Bishop* his Father, desiring the Furniture of my Dwelling-house there may go along therewith.

I likewise give and devise to the said *Hugh* Earl of *Marchmont*, his Heirs and Assigns for ever, my Estate and Interest undisposed of by my said Will, in and to all that my Manor, Rectory, Advowson, Capital Messuage, Messuages, Lands, Tenements, Tythes and Hereditaments in the said County of *Buckingham*, late the Estate of Sir *John Witteronge* Baronet. And also in and to my Manor, or reputed Manor, and my Freehold Messuages, Lands and Hereditaments in the same County, late, or some time the Estate of Sir *Thomas Tyrrel* Bart.

N

deceased;



deceased; and in and to my Leasehold Estates therewith enjoyed for the Residue of the Term that shall happen to be therein.

*I also give* and devise to the said *Thomas* Lord Bishop of *Oxford*, his Heirs and Assigns for ever, my Estate and Interest undisposed of by my said Will, in and to my Manor and Capital Messuage, and Freehold and Copyhold Messuages, Lands, Tenements and Hereditaments in the County of *Bedford*, late the Estate of Sir *John Meres* Knt.

And to the said *Beversham Filmer*, his Heirs and Assigns for ever, my Estate and Interest undisposed of by my said Will, in and to my Manor, Messuages, Lands, Tenements, Tythes, Rents and Hereditaments in the Counties of *Leicester* and *Northampton*, late the Estate of Sir *Thomas Cave* Bart. and Dame *Elizabeth* his Wife, or one of them.

And to the said Dr. *James Stephens*, his Heirs and Assigns for ever, my Estate and Interest undisposed of by my said Will, in and to all my Manor, Messuages, Adowsons, Farms, Lands, Tenements and Hereditaments in the County of *Berks*, late the Estate of *Robert Packer* Esq; and  
in

in and to my Manor, Messuages, Lands and Hereditaments in the same County, late the Estate of *Richard Jones* Esq; and *William Jones* his Son, or one of them, and in and to my Messuage, Lands and Hereditaments in the same County, late the Estate of *Thomas Bedford* Clerk and *Temperance Bedford* his Mother, or one of them ; and in and to my Manor, Messuages, Lands and Hereditaments in the County of *Huntingdon*, late the Estate of *William Astel* Esq;

*And* to my said Grandson *John Spencer*, his Heirs, Executors and Assigns for ever, according to the Nature of the Estates respectively, my Estate and Interest undisturbed of by my said Will, in and to all those my Manors, Lands, Tenements, Rectories, Tythes and Hereditaments, Freehold, Copyhold, and Leasehold, in the Counties of *Norfolk*, *Bedford*, *Oxford*, and *Northampton*, which were formerly the Estate of *Gabriel Armiger* Esq; *Peter Floyer*, *Francis Hawes*, *Edward Snagg*, and *Bromsall Throckmorton*, Esqrs. and *Mrs. Elizabeth Wiseman*, and *John Culliford* and *Mary* his Wife, every, any, or either of them.

And

And also my Estate and Interest undisposed of by my said Will; in and to all other my Manors, Lands, and Hereditaments not by this Codicil otherwise given or devised. And also my Estate and Interest undisposed of by my said Will; in and to the Lands and Hereditaments to be purchased with the Residue of my personal Estate: All which Devises of my said undisposed Estate and Interest in my said real Copyhold and Leasehold Estates, and in and to the Lands to be purchased with the Residue of my personal Estate by this Codicil, unto the several and respective Devisees therein named, and to take Effect only by way of Remainder, and subject and without Prejudice to the said several Uses, Interests, and Purposes in my said last Will and Testament mentioned.

*In Witness* whereof, I have to this my Writing, contained in this and three preceding Skins of Parchment, (which I declare to be a Codicil to my said last Will and Testament, and which is to be accepted and taken as Part thereof) set my Hand and Seal; to wit, my Hand to the Bottom of each of the said three preceding Skins,  
and

and my Hand and Seal to this last Skin,  
and my Seal at the Top of the first of the  
said Skins, where all the said Skins are fixed  
together, this 15th Day of *August* in the  
Year of our Lord 1744.

SARAH MARLBOROUGH.

*The Writing* contained in this and the  
three preceding Skins of Parchment,  
was Signed and Sealed by the above  
named *Sar<sup>l</sup>* Duchess Dowager of  
*Marlborough*, and by her published  
and declared as and for a Codicil to  
her Last Will and Testament, in the  
Presence of Us who have hereunder  
subscribed our Names as Witneſſes  
thereto, in her Presence, and in the  
Presence of each other.—The Word  
Ten in the 40th Line of the first  
Skin, being first written on a Rasure  
from a Mistake in the Sum given to  
*Mr. Pitt* for a Legacy :

*Sandwich.*

*Geo. Heathcote.*

*Henry Marshall.*

*Richard Hoare.*

Proved at *London*, before the Worshipful  
*John Betteſworth*, Doctor of Law, Master  
Keeper

Keeper or Commissary of the Prerogative Court of *Canterbury*, on the Second Day of *November*, 1744. by the Oaths of the Right Honourable *Hugh* Earl of *Marchmont*, *Thomas* Lord Bishop of *Oxford*, *Beversham* Filmer, and *James* Stephens, the Executors.

F I N I S











